

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street SW
Washington D.C. 20590-0001

December 28, 2000

RE: Docket Number FAA-2000-8274
Notice No. 00-13

To whom it may concern:

I wish to add the following comments to my letter of December 20, in which I urge the FAA to withdraw the proposal outlined in NPRM 8274. I maintain that the portion of this NPRM relating to flights over events is driven by the greed of event promoters, and has no basis in fact regarding air safety, especially given the long history to the contrary. I also wish to point out the following errors in assumptions and missing research in the NPRM:

The disastrous loss of revenues to hundreds of aerial advertising companies clearly places this NPRM into the category of a Significant Regulatory Action, (SRA) The cost of circumnavigation, (Read that, no flying) equals no business. You have failed to conduct appropriate research regarding the far-reaching effects of this NPRM, and I ask you to withdraw it now.

The Regulatory Flexibility Act (RFA) clearly applies to this NPRM. There are 600 aerial advertising certificates issued by the FAA. The economic impact is far greater than the implication of the cost of circumnavigating an event. How can you possibly make such a statement? Circumnavigation equals no flights, and hence NO REVENUE! Clearly there would be substantial impact on a great number of small entities. Apply the RFA to NPRM 8274. Do your research! Withdraw the proposal.

You fail to understand the implications regarding international trade. Aviad is but one of many companies in the aerial advertising industry who have partners, and customers in foreign countries. Putting Aviad Corp out of business will also mean the demise of: Aviad Inc., Aviad Canada, Aviad Limited (UK) Aviad de Mexico S.A. de C.V., Publiavia Lta., Sky Art Lta. (Portugal), and Aviad Sdn. (Malaysia). The men and women of these companies stand to lose their livelihood by this ill-considered proposal.

Please forward all documents that led you to conclude that there is no requirement to conform to the mandates of an SRA, and your conclusion that the requirements of the RFA do not apply. I strongly disagree. Please withdraw this proposal now.

I also want to point out two additional flaws in this NPRM:

First, stadiums have a finite capacity. There is no greater danger while flying near (never over) one event at a stadium than there is at another event. The difference lies in the determination of the event promoters to see that others in the community do not benefit from their activity. By logical extension that means that all billboards within a radius of an event should be shrouded during the time period, and radio and TV stations should be banned from broadcasting, lest they benefit. This is not about safety; it is about the money! Withdraw this proposal.

Secondly, you have left the door open for blimp operators who are able to "sneak in" by carrying a reporter or security person. Blimps are not about safety; they are about generating advertising revenues. Hence, if allowed over flights they should also be shrouded to avoid unfair competition. In my view, blimps should have the same rights as aerial advertisers. As a commercial pilot with 36 years experience of flying at The Super Bowl, World Cup, All Star Game, Ryder Cup and many other major events in the USA and abroad, I have never once encountered a situation where a member of the public had his or her safety compromised in any way. I have been there in person. Have the authors of this NPRM?

Withdraw this NPRM in its present wording. Do the necessary research, and invite the early participation of the affected parties.

Local FAA personnel have the knowledge, experience and integrity to monitor and regulate as required. The record speaks for itself.

Withdraw this NPRM.

Sincerely yours,

WAYNE MANSFIELD
President, Aviad Corp.
FAA ASC